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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,731	09/11/2000	Petri Jolma	4925-57	4528

7590 09/27/2004

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/658,731

Applicant(s)

JOLMA ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Notice of References Cited**Application/Control No.  
09/658,731Applicant(s)/Patent Under  
Reexamination  
JOLMA ET AL.Examiner  
Sharad RampuriaArt Unit  
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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,831,976	11-1998	Lin et al.	370/329
	B	US-6,128,498 A	10-2000	Benveniste, Mathilde	455/450
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

***Response to Appeal Brief***

In view of the applicant's response filed on 7/6/04, PROSECUTION IS HEREBY REOPENED set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b) (2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. in view of Benveniste.

1. Regarding claim 1, Lin disclosed A method of allocating communication channels in a communication system comprising a plurality of base stations (116; Fig.1) each for communicating with at least one mobile station (111; Fig.1), the base stations capable of communicating via any of a predetermined group of channels, and some of the base stations being susceptible of being interfered with by other of the base stations in some of the channels of said group of channels (Col.5; 14-58), the method comprising the steps of:

Lin fails to disclosed allocating on request a channel according to the predetermined classification and a desired quality class of transmission. However, Benveniste teaches in an analogous art, that predetermining, for each base station, a classification for each channel according to the probability of interference at the channel with other base stations of the plurality of bases stations; (abstract, Col.4; 3-15) and

allocating on request a channel according to the predetermined classification and a desired quality class of transmission. (Col.12; 26-44) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide management of channel interference in a wireless communication system.

2. Regarding claim 2, Lin disclosed The method of claim 1, wherein each said channel is a time slot. (Col.6; 26-37)

3. Regarding claim 3, Lin disclosed all the particulars of the claim except, avoided by said each base station remaining channels in which said other base stations interfere with said each

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base station. However, Benveniste teaches in an analogous art, that The method of claim 1, wherein said predetermination comprises:

assigning as owned by said each base station and as avoided by said other base stations a channel in which said other base stations interfere with said each base station; (col.10; 2-col.11; 34)

assigning as owned by said other base stations and as avoided by said each base station remaining channels in which said other base stations interfere with said each base station; (col.12; 7-col.13; 20) and

assigning as shared by said each base station and said other base station channels in which said other base stations interfere with said each base station if used simultaneously with said each base station and which are not assigned as owned by either. (Col.13; 23-Col.14; 56)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide management of channel interference in a wireless communication system.

4. Regarding claim 4, Lin disclosed The method of claim 1, wherein:

the communication system further includes a controller (112; Fig.2) connected to each base station;

said predetermination for each base station is reported to the controller; and

said allocating is performed in the controller. (Col.5; 14-25)

5. Regarding claim 5, Lin disclosed The method of claim 3, wherein:

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the communication system further includes a controller (112; Fig.2) connected to each base station;

said predetermination for each base station is reported to the controller;

said allocating is performed in the controller; and

the controller maintains an indication of which channels are currently allocated for each base station. (Col.5; 14-25).

6. Regarding claim 6, Lin disclosed The method of claim 5, wherein:

if neither an owned channel nor a shared channel of a first base station is available for a requested communication, the controller determines whether any avoided channel of the first base station is not in use by a second base station owning that channel, and if so, that channel is allocated for the requested communication. (Col.7; 7-24)

7. Regarding claim 7, Lin disclosed The method of claim 2 wherein the step of allocating is further according to location of a mobile station to be communicated with. (Col.6; 15-25)

8. Regarding claim 8, Lin disclosed Apparatus for allocating communication channels in a communication system comprising a plurality of base stations (116; Fig.1) each for communicating with at least one mobile station, (111; Fig.1), the base stations capable of communicating via any of a predetermined group of channels, and some of the base stations being susceptible of being interfered with by other of the base stations in some of the channels of said group of channels (Col.5; 14-58), the apparatus comprising a logic unit configured to:

Lin fails to disclosed allocating on request a channel according to the predetermined classification and a desired quality class of transmission. However, Benveniste teaches in an analogous art, that predetermining, for each base station, a classification for each channel

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according to the probability of interference at the channel with other base stations of the plurality of bases stations; (abstract, Col.4; 3-15) and

allocating on request a channel according to the predetermined classification and a desired quality class of transmission. (Col.12; 26-44) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide management of channel interference in a wireless communication system.

9. Regarding claim 9, Lin disclosed The apparatus of claim 8, wherein each said channel is a time slot. (Col.6; 26-37)

10. Regarding claim 10, Lin disclosed all the particulars of the claim except, avoided by said each base station remaining channels in which said other base stations interfere with said each base station. However, Benveniste teaches in an analogous art, that The method of claim 8, wherein said predetermination comprises:

assigning as owned by said each base station and as avoided by said other base stations a channel in which said other base stations interfere with said each base station; (col.10; 2-col.11; 34)

assigning as owned by said other base stations and as avoided by said each base station remaining channels in which said other base stations interfere with said each base station; (col.12; 7-col.13; 20) and

assigning as shared by said each base station and said other base station channels in which said other base stations interfere with said each base station if used simultaneously with said each base station and which are not assigned as owned by either. (Col.13; 23-Col.14; 56)



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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide management of channel interference in a wireless communication system.

11. Regarding claim 11, Lin disclosed The apparatus of claim 8, further comprising a controller (112; Fig.2) connected to each base station and configured to:

receive said predetermination for each base station is reported to the controller; and  
to be a portion of said logic unit for performing said allocating. (Col.5; 14-25).

12. Regarding claim 12, Lin disclosed The apparatus of claim 11, wherein the controller (112; Fig.2) maintains an indication of which channels are currently allocated for each base station. (Col.5; 14-25).

13. Regarding claim 13, Lin disclosed The apparatus of claim 12, wherein:

if neither an owned channel nor a shared channel of a first base station is available for a requested communication, the controller is configured to determine whether any avoided channel of the first base station is not in use by a second base station owning that channel, and if so, to allocate that channel for the requested communication. (Col.7; 7-24)

14. Regarding claim 14, Lin disclosed The apparatus of claim 9, wherein the logic unit is configured to allocate a channel further according to location of a mobile station to be communicated with. (Col.6; 15-25)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736.


The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria

September 21, 2004

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600